GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

STARRED QUESTION NO:264
ANSWERED ON:04.08.2016
Reservation in Judicial Appointments
Verma Shri Bhanu Pratap Singh

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether there is any provision for reservation for various categories such as Scheduled Castes/Scheduled Tribes and Other Backward Classes in judicial appointments and if so, the details thereof;
(b) the number of such posts lying vacant, category-wise in the courts;
(c) the steps taken/being taken by the Government to fill up these vacancies in a time-bound manner; and
(d) whether suggestions have been received from various quarters to provide reservations in higher judicial appointments and amend Constitution of India, accordingly, if so, the details thereof along with follow-up action taken thereon?

Answer

ANSWER

MINISTER OF LAW AND JUSTICE AND ELECTRONICS AND
INFORMATION TECHNOLOGY

(SHRI RAVI SHANKAR PRASAD)

(a) to (d) : A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (d) OF LOK SABHA STARRED QUESTION NO.264 DUE FOR ANSWER ON 04.08.2016.
(a) to (c) : Appointment of Judges of the Supreme Court and High Courts is made under Articles 124 and 217 of the Constitution of India respectively. These Articles do not provide for reservation for any caste or class of persons. Therefore, no cast or class-wise data of Judges is maintained. The Government has, however, requested the Chief Justice of the High Courts that while sending proposals for appointment of Judges, due consideration be given to suitable candidates belonging to Other Backward Classes, Scheduled Castes, Scheduled Tribes, Minorities and from amongst women.

Under Article 235 of the Constitution of India, the administrative control over the members of district and subordinate judiciary in the States vests with the concerned High Court. Further, in exercise of powers conferred under proviso to Article 309 read with Articles 233 and 234 of the Constitution, the respective State Government, in consultation with the High Court, frames the Rules and Regulations regarding the issues of appointment, promotion, reservations etc. of judicial officers in the State Judicial Service. Central Government has no direct role in this regard.
Most recently, upon receiving representations from various sources, the Member-Secretary, National Commission for Backward Classes (NCBC) requested the Government to consider providing 27% reservations for OBCs in lower as well as Higher Judicial Services of the National Capital Territory of Delhi. The request was forwarded to the Government of NCT of Delhi and the Delhi High Court for taking necessary action.
(d) The suggestions from various quarters/sources have been received for making reservations in higher judiciary and amending the Constitution of India. However, at present there is no proposal under consideration to amend the Constitution for providing reservation in higher judiciary.